

Introduced by Senator FigueroaFebruary 16, 2006

An act to amend Section 117700 of, and to add Section 118286 to, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as introduced, Figueroa. Medical waste.

(1) The existing Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste, as defined. Certain items are specifically excluded from the definition of medical waste.

This bill would also exclude household waste, except for home-generated sharps, as defined, from the definition of household waste.

The bill would prohibit a person, as defined, on or after January 1, 2008, from knowingly placing home-generated sharps in certain types of containers used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials, as specified. Since a violation of an order enforcing the Medical Waste Management Act would be a misdemeanor, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 117700 of the Health and Safety Code
2 is amended to read:

3 117700. Medical waste does not include any of the following:
4 (a) Waste generated in food processing or biotechnology that
5 does not contain an infectious agent as defined in Section
6 117675.

7 (b) Waste generated in biotechnology that does not contain
8 human blood or blood products or animal blood or blood
9 products suspected of being contaminated with infectious agents
10 known to be communicable to humans.

11 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
12 or vomitus, unless it contains fluid blood, as provided in
13 subdivision (d) of Section 117635.

14 (d) Waste which is not biohazardous, such as paper towels,
15 paper products, articles containing nonfluid blood, and other
16 medical solid waste products commonly found in the facilities of
17 medical waste generators.

18 (e) Hazardous waste, radioactive waste, or household waste.

19 (f) *Household waste, except for home-generated sharps, as*
20 *defined in subdivision (b) of Section 118286.*

21 (g) Waste generated from normal and legal veterinarian,
22 agricultural, and animal livestock management practices on a
23 farm or ranch.

24 SEC. 2. Section 118286 is added to the Health and Safety
25 Code, to read:

26 118286. (a) On or after January 1, 2008, no person shall
27 knowingly place a home-generated sharp in any of the following
28 containers:

29 (1) Any container used for the collection of solid waste,
30 recyclable materials, or greenwaste.

31 (2) Any container used for the commercial collection of solid
32 waste or recyclable materials from business establishments.

33 (3) Any roll-off container used for the collection of solid
34 waste, construction, and demolition debris, greenwaste, or other
35 recyclable materials.

36 (b) For purposes of this section, “home-generated sharp”
37 means a hypodermic needle, syringe, or lancet used or intended

1 for use in a household, including a multifamily residence or
2 household.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the
8 penalty for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition of a
10 crime within the meaning of Section 6 of Article XIII B of the
11 California Constitution.

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